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MAY 30 2007

OFFICE OF PETITIONS

In re Application of :
Frederick A. Perner, et al. :
Application No. 10/767,428 :
Filed: January 29, 2004 :
Attorney Docket No. 200310068-1 :
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 26, 2007.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Brian R. Short appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before December 20, 2006. A Notice of Abandonment was mailed on January 22, 2007. On January 26, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,400 issue fee and the \$300 publication fee; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Publications to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions